

HEARING BEFORE THE CITY COUNCIL, JULY 12, 2010

Hearing opened at 6:32 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present except Councillor Freda. Councillors Marchand and Dombrowski were late.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 4 of the Revised Ordinances entitled "Buildings" by inserting a new section 4-2.11 Demolition Delay.

Robert Saudelli, representing the Historical Commission, said he is in favor of this ordinance and thanked the Legal Affairs Committee and the City Council for their support.

Councillor Lanciani said he supported in June and prior to that. He said the first time it appeared before the Council a year or so ago he was against it but there has been significant changes and feels it is a step in the right direction. He supports the ordinance.

Councillor Rowlands thanked Mr. Saudelli for his work.

Councillor Dombrowski said he supports this ordinance.

There was no opposition to this ordinance.

HEARING ADJOURNED AT 6:35 P.M.

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Lynn A. Bouchard, City Clerk  
And Clerk of the City Council

HEARING BEFORE THE CITY COUNCIL, JULY 12, 2010

Hearing opened at 7:07 P.M. with Councillor Rowlands, Chair of the Legal Affairs Committee, presiding.

All members were present except Councillor Freda.

The following PETITION was the subject of the hearing:

61-10 David R. Cormier, Robert Salvatelli, David Rowlands, James Lanciani Jr., Richard M. Marchand and Wayne A. Nickel: Move and extend the existing Residence A zoning line to include the following parcels: Map 246, Parcels 7, 4, 3, 2, 1, 8, 15 and Map 244 Parcels 1A, 2A.

Introduced and made part of the record were the following:

- A. Petition #61-10 submitted by David R. Cormier, Robert Salvatelli, David Rowlands, James Lanciani, Jr., Richard Marchand with accompanying plan 12-D-24B, named "Plan to Accompany Petition for Zoning Change, Leominster, Mass. prepared for Fernando Arsenault, January 11, 2010 and prepared by Whitman & Bingham Associates, LLC and an Assessor's map.
- B. Notice of the public hearing published in the Sentinel & Enterprise on June 21, 2010 and June 28, 2010.
- C. Letters of recommendation from the Board of Health and the Department of Public Works.
- D. The following comments were received from the Building Inspector:  
"While I do believe that it makes sense to rezone this area, I would prefer to see the Residence a zoning line moved to encompass several of the other parcels, which abut the parcels in question, that are of a residential use but located in the Industrial Zone. I believe this would benefit a greater number of people while avoiding the appearance of "spot zoning"."
- E. Letter from Kopelman & Paige, dated June 25, 2010 regarding an opinion on this petition.
- F. Abutters list and notice sent to abutters and surrounding towns

Councillor Rowlands read the recommendations from the Health Department, the Department of Public Works and from Brian Riley of Kopelman & Paige. No recommendations have been received from the Conservation Commission and the Planning Board.

Councillor Dombrowski asked if the Planning Board needed a public hearing.

Councillor Nickel said yes.

Councillor Chalifoux-Zephir asked if the abutters were sent a notice.

The Clerk said yes.

HEARING BEFORE THE CITY COUNCIL, JULY 12, 2010, continued

Catherine Crane, 48 Mooreland Avenue said she has lived there since 1957. Her property is zoned Residential and Industrial. She said she believes the map they received at the last hearing is not mapped correctly and told the Council not to hesitate to hold off finding out. She also said she would like to know when the map was made.

Councillor Rowlands said he would check on the accuracy of the map.

Fernando Arsenault referred to a prior petition that he submitted and asked what the status of the petition was.

Councillor Rowlands said it was granted and now this petition is to add more parcels to be rezoned.

He said he would like to keep his land industrial.

HEARING ADJOURNED AT 7:25 P.M. and continued to August 9, 2010 at 6:45 P.M.

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Lynn A. Bouchard, City Clerk  
And Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present except Councillor Freda

The following COMMUNICATION was received, referred to the FINANCE COMMITTEE and given REGULAR COURSE.

C-1 Dean J. Mazarella, Mayor: Authorize the City of Leominster to establish the Artist Gateway Donation Account to enable the City to accept grants and donations related to the Artist Gateway Program.

The following PETITION was received, referred to the FINANCE COMMITTEE, given REGULAR COURSE and referred to the Police Department and the City Solicitor. Vt. 8/0. A motion to amend the following petition by adding Wayne A. Nickel as a petitioner was granted. Vt. 8/0. Councillor Nickel said he had worked with Sergeant Kinney last year when this issue first started to come up and has spoken with the Ward 3 and 4 Councillors and he would like to sign on to the petition.

1-11 Richard J. Kinney, Robert Salvatelli, Joanne M. DiNardo, Steven Smith and Wayne A. Nickel: Install "No Parking Tow Zone" signs along the south end of Pleasant Street at 200 foot intervals on both sides beginning at 1069 Pleasant Street and ending at the Sterling property line.

The following PETITION was received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE.

2-11 Joyce LaFleur: Grant a Second Hand Dealer's License for the location at 94 Central Street.

The following APPOINTMENTS were received, referred to the WAYS & MEANS COMMITTEE and given REGULAR COURSE

Disability Commission – Denise Andrews, term to expire April 15, 2012

Election Officers - 2010-2011

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were RATIFIED. Vt. 8 "yeas"  
(Granted with an Emergency Preamble on June 28, 2010)

C-122 Relative to the appropriation of \$3,000.00 to the Emergency Management Agency Expense Account; same to be transferred from the Excess and Deficiency Account.

C-123 Relative to the appropriation of \$30,000.00 to the City Solicitor Expense Account; same to be transferred from the Excess and Deficiency Account.

C-124 Relative to the appropriation of \$5,000.00 to the Veterans Service Expense Account; same to be transferred from the Excess and Deficiency Account.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010, continued

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATIONS were GRANTED and ORDERED. Vt. 8 “yeas”

C-125 Relative to the appropriation of \$51,226.00 to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Account.

ORDERED: - that the sum of Fifty One Thousand Two Hundred Twenty Six Dollars (\$51,226.00) be appropriated to the Gallagher Building Salary and Wages Account; same to be transferred from the Gallagher Building Revolving Account.

RE: These funds are needed to cover the expenses of the Craftsman’s Annual Salary and Overtime.

C-126 Relative to the appropriation of \$61,000.00 to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Account.

ORDERED: - that the sum of Sixty One Thousand Dollars (\$61,000.00) be appropriated to the Gallagher Building Expense Account; same to be transferred from the Gallagher Building Revolving Account.

RE: These funds are needed to cover the yearly expenses of the Gallagher Building including elevator maintenance, cleaning contract, water bills, etc.

Upon recommendation on the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 8 “yeas” (Granted with an Emergency Preamble on June 28, 2010)

C-127 Relative to the appropriation of \$13,500.00 to the Sanitation and Drainage Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on June 28, 2010)

Upon recommendation on the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 6 “yeas” (Granted with an Emergency Preamble on June 28, 2010) Councillor Cormier and Nickel abstained due to a possible conflict of interest.

C-128 Relative to the appropriation of \$15,000.00 to the Fire Department Overtime Account; same to be transferred from the Fire Department Salary and Wages Account. (Granted with an Emergency Preamble on June 28, 2010)

Upon recommendation on the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 8 “yeas” (Granted with an Emergency Preamble on June 28, 2010)

C-129 Relative to the appropriation of \$2,000.00 to the Veterans Services Expense Account; same to be transferred from the Excess and Deficiency Account. (Granted with an Emergency Preamble on June 28, 2010.)

Upon request of the LEGAL AFFAIRS COMMITTEE, the following COMMUNICATIONS were give FURTHER TIME. Vt. 8/0 Chair of the Legal Affairs Committee said there is a joint meeting scheduled with the Legal Affairs Committee and the License Committee on July 14, 2010 at 7:00 P.M. and they will be discussing the specifics of these communications.

C-95 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

C-96 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

C-97 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional Wine and Malt Pouring License to be issued only in conjunction with a redevelopment project.

C-98 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.

C-99 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.

C-100 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only in conjunction with a redevelopment project.

C-101 Dean J. Mazzaella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only to downtown establishments and only in conjunction with a redevelopment project.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010, continued

C-102 Dean J. Mazzarella, Mayor: Request authorization to file a home rule petition authorizing the City of Leominster to grant one (1) additional All Alcohol Pouring License to be issued only to downtown establishments and only in conjunction with a redevelopment project.

Upon request of the LEGAL AFFAIRS COMMITTEE the following PETITION was AMENDED and given FURTHER TIME. Vt. 8/0. Amended to delete Parcel 15 under Map 246 and to add Parcel 15 to Map 248. (Hearing continued to August 9, 2010 at 6:45 P.M.) Councillor Rowlands said there are two recommendations that need to come back.

61-10 David R. Cormier, Robert Salvatelli, David Rowlands, James Lanciani Jr., Richard M. Marchand and Wayne A. Nickel: Move and extend the existing Residence A zoning line to include the following parcels: Map 246, Parcels 7, 4, 3, 2, 1, 8, Map 248 Parcel 15 and Map 244 Parcels 1A, 2A.

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were RATIFIED. Vt. 8 “yeas” (Granted with an Emergency Preamble on June 28, 2010)

Juan D. Ramos and John A Perrault – Police Department – Lateral Transfers

Upon recommendation of the WAYS & MEANS COMMITTEE, the following APPOINTMENTS were CONFIRMED. Vt. 8 “yeas”

Office of Emergency Management – Elympse Octavius, Auxillary Police Unit

Under Old Business, Councillor Cormier asked for an update on the maintenance of the debris that was reported around the water system.

Councillor Dombrowski said he has not been given an update but would look into it.

Councillor Rowlands said he would like to know what the current reservoir levels are with the warm weather and the voluntary water ban.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 8 “yeas”

City of Leominster

In the year two thousand and ten

#### AN ORDINANCE

Amending Chapter 4 of the Revised Ordinance entitled “Buildings” is hereby amended by inserting the following section:

§4-2.11 Demolition Delay

#### SEC. I – INTENT AND PURPOSE

The purpose of this ordinance is to preserve and protect significant resources within the City of Leominster (the “City”) which constitute or reflect distinctive features of the cultural, political, architectural or social history of the City and to limit the detrimental effect of demolition on the character of the City; to promote continued private ownership and utilization of such resources and encourage owners of such resources to seek out alternative options that will preserve; rehabilitate or restore such resources rather than demolish them; and to provide a reasonable time period for public notice and discussion by interested groups and individuals of means by which to preserve such resources. By preserving and protecting significant resources, this ordinance promotes the public welfare by making the City a more attractive and desirable place in which to live and work while maintaining the cultural heritage of the City. When buildings and structures are involved, this ordinance applies only to exteriors of buildings and structures.

#### SEC. 2 – DEFINITIONS

For the purposes of this ordinance, the following words and phrases shall have the meanings set forth below.

A. APPLICANT – Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the resource is situated, the owners must indicate on or with the application his/her assent to the filing of the application.

B. APPLICATION – An application for the demolition of a resource.

C. DIRECTOR OF INSPECTIONS – The Director of Inspections of the City of Leominster or other person authorized to issue demolition permits in the City.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010, continued

- D. RESOURCE – Any combination of materials forming a shelter for persons, animals, property, and/or such other walls, fences, paths, statues, monuments, bridges, burial grounds or other combination of building materials, roads, parks and landscapes.
- E. COMMISSION – The City of Leominster Historical Commission (LHC) or its designee.
- F. DEMOLITION – any act of pulling down, destroying, removing, dismantling or razing any resource or any substantial portion thereof, or commencing the work of total or substantial destruction with the intent of completing same.
- G. DEMOLITION PERMIT – A building permit issued by the Director of Inspections for the demolition of a resource, as required by the State Building Code or City Ordinances.
- H. PREFERABLY PRESERVED – any significant resource which the LHC determines is in the public interest to be preserved rather than demolished. A preferably preserved resource is subject to the 6 (six month) demolition delay period of this ordinance.
- I. SIGNIFICANT RESOURCES – Any resource within the City which has been determined by the LHC or its designee based on any of the following criteria:
  - 1. Listed on or is within an area listed on the National or State Registries of Historic Places or is the subject of a pending application or listing of historic places on said registries.
  - 2. Found eligible for the National or State Registries of Historic Places.
  - 3. Importantly associated with one or more historic persons or events or with the broad architectural, cultural, political, economic, or social history of the City of Leominster or the Commonwealth of Massachusetts.
  - 4. Historically or architecturally important in terms of period, style, method of building construction.
- J. SIX (6) MONTH DELAY PERIOD – The six (6) month period dated from the stamped receipt by the Director of Inspections of the application for a demolition permit.

## SEC. 3 – PROCEDURE –

- A. No demolition permit for a resource shall be issued without following the provisions of this ordinance.
- B. An application for a demolition permit will be made to the Director of Inspections who shall within ten (10) business days forward a copy of demolition permit application to the LHC. The Commission shall, within ten (10) business days of receiving said application, determine whether a demolition plan review is required. If a demolition plan review is required, the applicant will supply to the LHC a written narrative that includes the following:
  - 1. A lot plan showing the location of the resource to be demolished on the property with reference to neighboring properties.
  - 2. The owner's name, address and telephone number.
  - 3. A description of the resource to be demolished.
  - 4. Reasons for the proposed demolition with supporting data.
  - 5. A brief description of the proposed reuse, reconstruction or replacement.
  - 6. Photographs of the resource (8"x10")
  - 7. GPS reading of the site.
- C. The Commission shall within fifteen business days after receipt of the written narrative, make a written determination of whether the resource is significant and shall so notify the Director of Inspection and applicant in writing. No demolition permit may be issued during this time.
- D. Upon determination by the Commission that the resource is not significant, the Commission shall so notify the Director of Inspections and applicant in writing. The Director of Inspections may then issue the demolition permit.
- E. Demolition Plan Review – If the Commission finds that the resource is significant, it shall hold a public hearing within thirty (30) days of the written notification to the Director of Inspections to determine the applicability of the delay procedure. Public notice of the time, place and purpose of the hearing shall be advertised in the local newspaper and posted in City Hall for a period of not less than seven (7) days prior to the date of said hearing and the applicant and the Director of Inspections all be notified in writing of the meeting time and place. The Commission shall decide at the public hearing or within fifteen (15) days after the public hearing whether the resource should be preferably preserved. If agreed to in writing by the applicant and the Commission, the determination of the Commission may be postponed.
- F. If the Commission determines that the resource is preferably preserved the Commission shall notify the Director of Inspections in writing of its decision and shall include; a description of the age, architectural style, historical association, and importance of the resource to be demolished. No demolition permit may then be issued for a period of six (6) months from the date of the determination (after the date of the original application to the Director of Inspections) unless otherwise agreed to by the Commission.
- G. If the Commission determines that the resource is not preferably preserved, the Commission shall so notify the Director of Inspections and applicant in writing. The Director of Inspections may then issue the demolition.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010, continued

- H. Upon a determination by the Commission that any resource which is the subject of an application is a preferably preserved resource, no building permit for new construction or alterations on the premises shall be issued for a period of six (6) months from the date of the determination unless otherwise agreed to by the Commission.
- I. The Director of Inspections may issue a demolition permit after the six (6) month demolition delay period has expired, provided the applicant has met all other prerequisites for the issuance of such a permit. Prerequisites are that reasonable attempts have been made and documented to.
1. Sell (List resource with licensed real estate broker).
  2. Preserve, rehabilitate, or restore (Documented estimates of preservation, rehabilitation, or restoration costs).
  3. Relocate (Documented cost to move resource).
  4. Documentation has been provided to LHC and the Director of Inspections of the applicant's efforts to preserve, rehabilitate, restore, or relocate the resource.
  5. A party (or parties) has not been located who has agreed to preserve, rehabilitate, restore or relocate the resource.
  6. The LHC has been satisfied that there is no likelihood that the owner or some other person or group is willing to purchase, preserve, rehabilitate, or restore such resource.

## SEC. 4 – EMERGENCY DEMOLITION

Nothing in this ordinance shall restrict the Director of Inspections or the Fire Chief from ordering the demolition of a significant resource determined to present a clear and present danger to the safety of the public, which only demolition can prevent. The Director of Inspections and/or Fire Chief shall prepare a report explaining the condition of the resource and the basis for the decision which shall be forwarded to the Commission.

## SEC. 5 – ENFORCEMENT AND REMEDIES

- A. The Commission and/or the Director of Inspections are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may be necessary and appropriate to obtain compliance with the requirements of this ordinance or to prevent a threatened violation thereof.
- B. Any owner of a resource subject to this ordinance that demolished the resource without first obtaining a demolition permit in accordance with the provisions of this ordinance shall be subject to a fine pursuant to §1-7 of the Revised Ordinances. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished resource is completed or unless otherwise agreed to by the Commission.
- C. If a resource subject to this ordinance is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two (2) years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.
- D. Upon application for a demolition permit for a significant resource, the owner shall be responsible for properly securing the resource, if vacant, to the satisfaction of the Director of Inspections. Should the owner fail to secure the resource, the loss of such resource through fire or other cause shall be considered voluntary demolition for the purpose of that indicated above.

## SEC. 6 – SEVERABILITY

In case any section, paragraph, or part of this ordinance be for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

Upon request of the FINANCE COMMITTEE, the following LOAN ORDER was given FURTHER TIME. Vt. 8 “yeas”

2<sup>nd</sup> Reading Loan Order – that the sum of \$42,400,000.00 be expended under the direction of the School Building Committee, to pay cost of remodeling, reconstructing and make extraordinary repairs to Leominster High School located at 122 Granite Street and for the payment of any and all other costs incidental and related thereto. This project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the educational program for which the City may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”); that to meet said appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L. Chapter 44, or any other enabling authority; that the City acknowledges that the MSBA grant program is a non-entitlement discretionary program based on need, as determined by the MSBA, and any project costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser or (1)[72.01] percent ([72.01%]) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA. (A hearing is set for July 26, 2010 at 6:45 P.M.)

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request the Superintendent and/or the newly appointed Superintendent, the architect, the project manager and the School Committee to come down before then next council meeting to make a 20 minute presentation on the renovations at the high school.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010, continued

Councillor Lanciani said they received a letter from Kopelman & Paige dated July 2, 2010 from Brian Riley referencing a past petition that we voted on and passed which was Petition 60-10. He said he had questions that night it was passed relative to when they were going to do this and thinks that Mr. Riley has legitimate questions relative to that site and what this Council should do. What he is saying is while there shouldn't be any problems there might be problems. I thought we agreed to do an inter-municipal agreement with the town of Lancaster but the front office said we didn't need to do that. He said Mr. Riley is saying you should have an inter-municipal agreement. He said he would like some follow up on that if they can recall it.

Councillor Nickel said he recalls a letter sent down that it was Pat LaPointe's prevue. He said he read the letter from Kopelman & Paige, in which Brian Riley said without an inter-municipal agreement with Lancaster there is not a way to collect the bill.

Councillor Dombrowski said we were presented with an inter-municipal agreement and we completely edited it and reviewed it but just don't know if it was ever signed. He said he knew they approved an inter-municipal agreement with many changes to it. He said when this petition with Roll on America came up he asked the question if it was ever signed. He said the Town Administrator and Mr. Richards from Roll on American were down for the process.

Councillor Nickel said he will check into that to see where we stand on that agreement

Councillor Rowlands said we put a condition on that this petition would only be passed if there was only an inter-municipal agreement.

Councillor Rowlands said he had a lengthy exchange with the executive branch regarding the zoning document that was done by VHB and has a concern. He said he is not looking for the work in progress that is being done by the City towards completing that document. He said what he is looking for is what VHB, who we paid \$75,100.00, has delivered to the City. It was paid with taxpayer's money and believes it is a public document. He wants to make sure we are getting what we paid for. He said he also has concern we may be throwing additional money at this issue because he believe that we have employees of the City making corrections for things that weren't done right in the first place. He said he hopes that is not true. He believes we have the right to see that document and we have the right by charter to bring down department heads and any employee of the City and as part of that information we ask them to bring down the information needed to make their presentation to answer our questions. I don't think it is necessary to bring down the Planning Director if we get this document but if the Mayor refuses to hand over the document that was delivered then I think it is a matter of vote to bring the Planning Director down and request the document be brought down.

Councillor Nickel said he is going to establish the President's Zoning Oversight Committee. The participants are Councillor Dombrowski - Chairman, Councillor Lanciani - Vice Chairman, Councillor Rowlands - Clerk, and Councillor Cormier - 4<sup>th</sup> Member.

Councillor Salvatelli said he has a couple of legal questions that he would like answered. He said as a member of the Ways & Means Committee and the City Council he voted on C-80 relative to the appropriation of \$563,533.00 for the Community Development Block Grant and voted individually for \$78,778.00 to the Code Enforcement, \$72,900.00 for the Economic Development programs and OPD for \$223,958.00 including salaries. He also voted for \$112,706.00 for OPD Planning and Administration. It was a legal vote. He said it is his understanding that within that vote the significant cuts, which means there is going to be money left over which I did not vote for. I want to know how this can be legally done when the City Council voted for the entire Community Development Block Grant and specifically where the money was going to go. He said his understanding is that the three people are going down to 19 hours which in his mind is a firing, as close to a firing as you can get without firing a person and wants to know if this is legal and if the Mayor can do that. He said he has been on this Council and have voted on a number of budgets and have voted for \$1 billion since he has been on the Council and \$33M of free cash. He said the amount of money cut was \$130,435.00. He sees action taken that he considers very poor management.

Councillor Lanciani agrees with Councillor Salvatelli and cannot see how this is saving the City of Leominster any money with what is being proposed when it all comes from HUD and the jeopardy we are putting this entire City in with regards to helping the elderly that need assistance and code enforcing through the housing portion of it. The fact that we have dedicated people who have spent a number of years working for the City of Leominster and I would like to know where are the savings that is being instituted by these people being cut to 19 hours. He said it does not reflect well on the City of Leominster and hopes the front office will reconsider what he is doing at the present time. He said it is not a pleasure to come into this building and cut the smoke and the ice that is reflected by the people that work here. He said it is horrendous when you can't get what you want it turns into retaliation.

Councillor Chalifoux-Zephir said the question on her mind is how can we approve specific line items and total of federal grant money. She said she supports running that question by one of their newly appointed attorneys for the City Council of we had the vote, a person came back and changed things, cut the budget, can that be done .

Councillor Rowlands said someone sent to us a copy of Section 2.4 of the Ordinance which states the Mayor, may in writing, suspend any City office or department head or member of a multiple member body appointed by the Mayor in such case he will 1) report his actions and his reasons therefore to the City Council, which he has not received any justification or comments. He said he thinks there is a bigger issue which goes against the whole checks and balances. We went through a budget process which lasted for a very long time to try to do what is in the best interest of the City and then a week after the budget is passed the Mayor alters that budget. He also added that he took the grant writing position and has changed that position. He said he would never in this budget approve a media liaison in this budget spending the taxpayers money. He said it's big government, it's abusive, it's a waste of taxpayer's money and it's not open government it's closed government and we are getting as closed as you can almost get legally and he thinks we have gone by the legal. We have a grant writer that now is doing enough work to handle not only media liaison but again another aide for the Mayor. He said there is great talent on the grant side and this is a time when we should be pushing grants. I would have the City's grant writer working in the school department to fill the void due to the cuts made to their grant writer. A week after the budget you ignore everything that was voted on and do what you want. He doesn't think it is legal or in the best interest of the City. He fully supports the motion that was made.

## REGULAR MEETING OF THE CITY COUNCIL, JULY 12, 2010, continued

Councillor Dombrowski would like to have a draft of the question sent to each of the Councillors for review for content and wording of it.

Councillor Nickel said that he would work on that with Councillor Dombrowski.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to request Attorney Maddaus, one of the attorneys for the City Council, to draft an answer if we had the vote, a person came back and changed things, cut the budget, can that be done.

Councillor Salvatelli said on Section 2.4 said suspension is different than reducing hours. He is not questioning the Mayor's right to have a particular person in there that he wants. He said he understands that the senior citizens need help and veteran's is looking for other people to do that work. What would be better than using the veterans and the senior citizens? Who can lose with that idea?

Councillor Chalifoux-Zephir said she understands the Mayor's argument that some departments in the City are busier than others at this time of year and need additional staff support. But the problem is taking people out of federally funded grant position and moving them from their federal grant supported duties. I don't have a problem supporting other people and have other people help but you just can't pull those people off of their CDBG funded work schedules.

Under New Business, Councillor Rowlands said they received from the School Committee's Finance Committee a Mass. Association of School Business Official Report which he said is an extremely important document. It is geared towards the school business however, there is a good portion of this document that is related to the interaction of the schools with the City and if you read it what sticks out is the amazing amount of the inefficiencies. He said one of the issues that they have raised several times is that we are still maintaining a hand written ledger on the City side and trying to run a \$100m a year business is truly cumbersome. It

would be his recommendation to the Committee on Schools to invite the School Committee down and have a meeting to go through ways in which we can streamline the process. There are thousands of dollars in potential savings there just with bringing our accounting systems out of the 1970's and into the 90's.

Councillor Cormier said he agreed and there are a lot of outstanding issues that they need to discuss. Once we get the new superintendent in place we will set up something and go over that and other things that are outstanding.

Councillor Rowlands said this is mostly the work of the Finance Committee of the School Committee which is headed by Sue Koehler. He suggests the Finance Committee and the School Committee as a whole come down.

Councillor Marchand said he went by Doyle field and it is looking great and asked if they could get an update from the people involved. He said he wants to know who can play on the field. He said the major reason he voted for that was because of the multi use concept and not just about football. He wants to make sure that soccer, field hockey, youth football programs and anything else can use it going into the fall.

Councillor Nickel asked the Chairman of Public Service to make arrangement for Mr. LaPointe to come down to a committee meeting and give a presentation along with people from Doyle Field Foundation.

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to ask Mr. LaPointe to come down to a committee meeting and give a presentation along with people from Doyle Field Foundation.

Councillor Chalifoux-Zephir said Starburst was rained out and has been rescheduled for August 7<sup>th</sup> with a rain date of August 8<sup>th</sup> at Doyle Field. She said it looks like it will happen at the upper field and the fireworks will be staged in the parking lot next to the tennis courts.

MEETING ADJOURNED AT 8:22 P.M.

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Lynn A. Bouchard, City Clerk  
and Clerk of the City Council